

Assembly Joint Resolution

No. 39

Introduced by Assembly Member Koretz
(Coauthors: Assembly Members Jones and Laird)
(Coauthor: Senator Kuehl)

January 4, 2006

Assembly Joint Resolution No. 39—Relative to a moratorium on the use of depleted uranium munitions.

LEGISLATIVE COUNSEL'S DIGEST

AJR 39, as introduced, Koretz. Moratorium on depleted uranium munitions.

This measure would memorialize the President and Congress of the United States to establish a moratorium on the use of depleted uranium munitions.

Fiscal committee: no.

1 WHEREAS, The highest regard should be given to the health
2 and safety of the members of the United States Armed Forces;
3 and
4 WHEREAS, Depleted uranium, a toxic, and radioactive
5 material with a half-life of 4,500,000,000 years, is being used by
6 the United States Armed Forces; and
7 WHEREAS, Approximately 300 metric tons of depleted
8 uranium munitions were used by the United States Armed Forces
9 in 1991 during the Persian Gulf War. During the conflicts in the
10 former Federal Republic of Yugoslavia, approximately three
11 metric tons were used in Bosnia and approximately nine metric
12 tons were used in Kosovo, Serbia, and Montenegro. Depleted

1 uranium munitions have been used at numerous United States
2 military installations, proving grounds, and testing facilities; and

3 WHEREAS, Depleted uranium munitions are pyrophoric,
4 creating a deadly radiation that can be inhaled. The men and
5 women experiencing this firsthand are unaware that every breath
6 they take during these events is negatively impacting their lungs
7 and blood. The radioactive dust can be pulverized to the point
8 that it is 100 times smaller than bacteria. The results range from
9 multiple sclerosis-type illnesses, to Parkinson's disease, to
10 chemical sensitivities, and various cancers. Other reported
11 symptoms include abnormal births and birth defects, acute
12 autoimmune symptoms, respiratory failure, nerve damage,
13 insomnia, and heart disease; and

14 WHEREAS, Hundreds of Gulf War veterans suffer from "Gulf
15 War Syndrome," which is classified as a medical condition
16 characterized by fatigue, headaches, dizziness, nausea, rashes,
17 joint pain, and respiratory disorders. No definitive cause has been
18 established for the various illnesses that affect approximately
19 130,000 people, but the use of depleted uranium munitions has
20 been cited in many studies and reports as a potential cause; and

21 WHEREAS, The Adjutant General of the California National
22 Guard should assist any eligible member or veteran in receiving
23 federal treatment services who has been assigned a risk level for
24 depleted uranium exposure by his or her branch of service,
25 referred by a military physician, or has reason to believe that he
26 or she was exposed to depleted uranium during such service.
27 Federal treatment services include a best practice health
28 screening test for exposure to depleted uranium at low levels and
29 the use of equipment with the capacity to differentiate between
30 radioisotopes in naturally occurring levels of uranium and the
31 characteristic ratio and marker for depleted uranium; and

32 WHEREAS, The California National Guard should also
33 provide predeployment training concerning potential exposure to
34 depleted uranium and other toxic chemical substances and the
35 precautions recommended under combat and noncombat
36 conditions while in a combat zone; and

37 WHEREAS, The United States Navy and the British Royal
38 Navy are phasing out the use of depleted uranium munitions, and
39 the Canadian Navy has ceased using depleted uranium munitions.
40 It has been reported that the use of depleted uranium munitions

1 has proliferated to more than 20 nations. The 1949 Geneva
2 Convention specifically outlines the precautions warring nations
3 must take to avoid harming civilian populations, and it would be
4 a violation of the 1977 Protocol to the 1949 Geneva Convention
5 to cause superfluous injury or unnecessary suffering to civilians,
6 as depleted uranium munitions are reported to cause; and

7 WHEREAS, Acknowledging that international law does not
8 refer specifically to the issue of depleted uranium at present, but
9 credible efforts are needed to ensure that any use of such
10 weapons is not in violation of the 1977 Protocol to the 1949
11 Geneva Convention; and

12 WHEREAS, NATO has not banned these types of weapons;
13 and

14 WHEREAS, International law does not currently provide for
15 compensation for possible harmful effects of such weapons and
16 weapons systems; and

17 WHEREAS, There is a need to review and monitor the design
18 and development of weapons, ensuring these are in line with
19 applicable international law and meet the highest international
20 standards directed against technical misuse, misdeployment,
21 mistargeting, and malfunction; and

22 WHEREAS, In light of the results of scientific investigations
23 on the use of depleted uranium munitions developments in
24 relation to the possible serious, widespread contamination of the
25 environment and any acute or appreciable long-term hazard to
26 human health should be monitored; and

27 WHEREAS, The federal government, as well as NATO and
28 the members thereof, should make a public declaration
29 guaranteeing they will not use weapons or weapons systems that
30 have been banned or are deemed to be illegal under international
31 law in present or future armed conflicts; and

32 WHEREAS, There must be support of independent and
33 thorough investigations into the possible harmful effects of the
34 use of depleted uranium ammunition, and other types of uranium
35 warheads, in military areas such as Afghanistan, the Balkans, and
36 other regions. These investigations should include consideration
37 of the effects on military personnel serving in affected areas and
38 the effects on civilians and their land. The results of these
39 investigations should be presented to Congress; now, therefore,
40 be it

1 *Resolved by the Assembly and the Senate of the State of*
2 *California, jointly,* That the Legislature of the State of California
3 memorializes the Congress and the President of the United States
4 federal government be requested to immediately implement a
5 moratorium on the further use of depleted uranium munitions
6 pending the conclusions of a comprehensive study; and be it
7 further
8 *Resolved,* That the Chief Clerk of the Assembly transmit
9 copies of this resolution to the President and Vice President of
10 the United States, to the Speaker of the House of
11 Representatives, the Majority Leader of the Senate; and to each
12 Senator and Representative from California in the Congress of
13 the United States.

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